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OFFICE OF CHIEF COUNSEL

Mr. Grady C. Cothen, Jr.
Deputy Associate Administrator for
Safety Standards and Program Development
c/o Docket Clerk
Office of Chief Counsel
Federal Railroad Administration
Mail Stop 10
1120 Vermont Avenue, NW
Washington, DC 20590

January 20, 2003

FRA-2001-8728-26

DEPT. OF TRANSPORTATION
DOCKETS

Re: FRA Docket No. FRA-2001-8728, Final Rule Published on December 10, 2002

Dear Mr. Cothen:

The above-referenced final rule directs parties with certain existing extraterritorial dispatched lines listed on appendix A to file requests for waivers with the FRA by April 11, 2003, and that parties can continue to operate as before on those lines listed on appendix A while FRA considers the waiver request.

In Article IV, section C of the Supplementary Information, FRA noted that Canadian National Railway Company ("CN") has submitted information on another line that may be subject to the above-referenced rule. That line was on CN's Stanford Subdivision on the Canada/U.S. border, with the U.S. portion traversing from milepost 0.6 to milepost 0.0.

CN advised FRA in its written comments of February 8, 2002, and oral presentation of February 12, 2002, that CN believed the portion of the line from mile 0.6 to 0.3 is CTC operation dispatched from Toronto, Ontario, Canada (the remaining portion from 0.3 to 0.0 is non-dispatched Rule 105 territory). FRA's Supplementary Information at Article IV, section C, however, says that, after reviewing the information submitted by CN and others, "FRA has concluded that only the four segments listed on appendix A to the Final Rule are actually dispatched and the other segments are either controlled by another method of operation or no longer in service."

In light of FRA's conclusion, therefore, CN will continue to operate on the U.S. portion of its Stanford Subdivision between milepost 0.6 and milepost 0.0 just as it has been doing and just as it already reported to the FRA. And because of FRA's conclusion, we will not be filing any waiver request for this segment.

Feel free to call me if you have questions.

Sincerely,

Michael J. Barron, Jr.
Counsel for Canadian National
Railway Company

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